



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**MAY 28 2014**

William H. Hyatt, Jr., Esq.  
K&L Gates LLP  
One Newark Center  
Tenth Floor  
Newark, New Jersey 07102-5285

Re: Proposed Plan for Lower 8 Miles of the Lower Passaic River Study Area

Dear Mr. Hyatt:

This will respond to your letter dated May 16, 2014 to Regional Administrator Judith Enck submitted on behalf of the Cooperating Parties Group (CPG), in which you renew your request for a 120-day extension of the public comment period on the Proposed Plan for the lower 8 miles of the Lower Passaic River. Regional Administrator Enck asked me to respond to you on her behalf.

The Proposed Plan, released on April 11, 2014, provided for a public comment period starting on April 21 and ending on June 20, 2014. On May 6, 2014, the U.S. Environmental Protection Agency (EPA) extended the public comment period until July 21, 2014. In accordance with the National Contingency Plan, 40 C.F.R. 430(f)(3)(C) and to be consistent with comment periods allowed at other Superfund sites in Region 2, EPA agrees to extend the public comment period until August 20, 2014. This represents a 61-day extension from the original end date of the comment period, for a total duration of over 120 days.

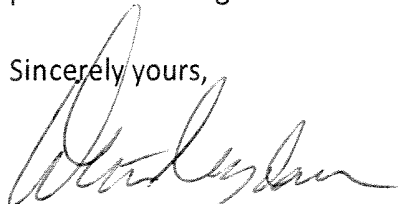
Contrary to your assertion about the availability of the Proposed Plan and supporting analysis, the Plan and Remedial Investigation/Focused Feasibility Study (RI/FFS) were available on ourPassaic.org and at the EPA Region 2 Superfund Records Center on April 11, 2014. On April 17, 2014, the full administrative record file, including the Proposed Plan, RI/FFS and other supporting information were received by the Newark Public Library and the Elizabeth Public Library, as well as being available at the EPA Region 2 Superfund Records Center.

The Proposed Plan and the documents in the administrative record file inform the CPG and the public about the alternatives that EPA has evaluated, including EPA's preferred alternative.

While the CPG has submitted multiple Freedom of Information Act requests, that is not a basis for extending the comment period.

EPA anticipates that the extended comment period will be sufficient for any members of the public submitting comments.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Walter Mugdan', written in a cursive style.

Walter Mugdan

Director, Emergency and Remedial Response Division